

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
)	
Masaaki Mori et al.)	Group Art Unit: 1797
)	
Application No.: 10/577,451)	Examiner: Samuel P. Siefke
)	
Filed: April 27, 2006)	
)	
For: Gas Injection Amount Determining)	Confirmation No.: 3423
Method in Isotope Gas Analysis,)	
and Isotope Gas Analyzing and)	
Measuring Method and Apparatus)	

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

RESPONSE

In response to the Restriction Requirement of September 24, 2009, Applicants elect Group II and claims 6-7 drawn to an isotope gas analyzing apparatus with traverse.

The Examiner characterizes claims 1-5 of Group I as being drawn to "an isotope gas analysis device." However, on the contrary, claim 1 and claims 2-5 dependent therefrom are drawn to a "gas injection amount determining method" as set forth in claim 1, line 9 of the claim. The portion of the claim referring to a "cell" is only in the preamble of the claim in Jepson format, which by definition is part of the prior art.

Claims 6 and 7 of Group II are drawn to the apparatus for carrying out such method in the same prior art device.

Consequently, it is believed the apparatus and method claims are sufficiently related under the applicable PCT rules so that they both can be examined in this case.

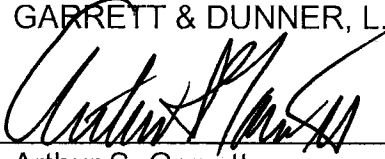
Reconsideration of the Restriction Requirement and examination of claims 1-7 is requested.

Please grant any extensions of time required to enter this response and charge any additional required fees to Deposit Account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: October 20, 2009

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